


November 22, 1985

TO: Ken May, Associate Director of Mining  
Through: Joe Helfrich, Mining Field Supervisor  
FROM: David Lof, Mining Field Specialist   
RE: Compliance at Genwal Coal Company, Crandall Canyon Mine,  
ACT/015/032

The purpose of this memo is to provide you with written documentation of compliance issues existing at the Crandall Canyon Mine as of November 22, 1985. In addition, I am requesting a written directive as to what compliance measures should be taken. I am requesting this directive because the Division is taking an abnormal course of action and I do not wish to contradict the Division's administrative actions.

1. Spring and Seep Inventory

Attached to the operator's permit approval was Stipulation 817.52-Ground Water-2-DWH. This stipulation had to do with the collection of baseline ground water data and the development of a ground water monitoring program. On August 17, 1984 the Division sent the operator a letter requesting that additional spring and seep inventory information be submitted by November 15, 1984. The operator failed to submit this information to the Division; therefore, on March 14, 1985 Notice of violation N85-4-7-2, #1 of 2 was issued. It required that the operator submit the additional information requested in the August 17, 1984 letter by April 2, 1985. This deadline was later extended to June 12, 1985, which was the 90 day maximum time allowable for abatement of the violation.

On June 12, 1985 the operator submitted to the Division information regarding a spring and seep survey which they conducted in the Spring of 1985. On July 25, 1985 the Division sent the operator a deficiency letter stating that Items 1 and 2 of the August 17, 1984 letter had been adequately addressed but that Item 3 (a spring and seep monitoring plan); Item 4, (a Fall 1985 spring and seep survey); and Item 5, (information and conclusions from the 1985 surveys incorporated into the MRP) still needed to be addressed. The letter required that the operator commit in writing by August 19, 1985 to address these issues.

On August 16, 1985, the operator submitted a mine plan for their Tract 2 lease modification. According to Dave Cline, the operator proposed a spring and seep monitoring plan to cover both the Tract 1 and Tract 2 leases (thereby addressing Item 3). However, he said that he still needs the information from the Fall 1985 survey prior to making a final determination on a proper monitoring program.

On October 25, 1985, the Division received a letter from the operator stating that the fall survey had been completed on October 14, 1985, and that Earth Fax Engineering Inc., was assembling the information which "will be submitted when it becomes available."

On November 18, 1985, I modified the violation to include the submittal of the information and conclusions from the Spring and Fall 1985, Spring and Seep Surveys in a format that could be incorporated into the MRP by December 2, 1985. In addition, the operator is to obtain a spring and seep monitoring program approval from the Division by December 2, 1985. At the time I issued this modification to Andy King, I told him that they may receive a failure to abate Cessation Order if they fail to meet either deadline. He indicated to me that he felt that they could meet the deadlines.

## 2. Perimeter Markers

The operator has not installed perimeter markers as per the performance standards and the operator has been made aware of this concern. A Notice of Violation for failure to install perimeter markers should be issued during my next inspection if the operator has not installed them as required.

## 3. Mine Operations Facilities

On February 22, 1985, the operator was issued Notice of Violation N85-4-5-2, #2 of 2 because they had placed their mine operations facilities (office/warehouse trailer, employee parking, oil and gas storage, generator and a semitrailer) on the south side of the forest development road immediately west of the sediment pond. This location is not in accordance with the operator's approved plan and could conflict with other users of the forest development road. The operator was required to submit plans to the Division for the relocation of the mine operations facilities so that the facilities do not conflict with the forest development road.

On May 23, 1985, the operator submitted a "conceptual plan" for new surface facilities. On June 21, 1985, the Division sent the operator a deficiency letter which required that complete plans be submitted by July 26, 1985. It was later decided that since the NOV had simply required "submittal of plans" and not "complete and adequate plans" that the NOV could be terminated.

On August 2, 1985 the Division sent the operator a letter stating that the NOV would be terminated based on submittal of plans, but also pointing out that the operator was still

not in compliance with their permit. The letter stated that the Division's primary concern was that the plans conceptualized in their May 23, 1985 letter be approved and implemented during the 1985 construction season. In order to obtain this goal the operator was required to "submit complete and adequate plans" by August 5, 1985 in response to the Division's June 21, 1985, deficiency letter. The operator was told that failure to do so would result in the issuance of a NOV for failure to mine in accordance with an approved permit.

On August 5, 1985, the operator responded to the Division's June 21, 1985 deficiency letter. The Division technical staff reviewed the submittal and on September 30, 1985 sent the operator a letter informing them that the plan was deficient and incomplete. At that point in time the Division should have issued a Notice of Violation to the operator as per the August 2, 1985 letter. However, neither myself nor Joe Helfrich, were copied or made aware of the deficiency letter until several weeks later.

On October 11, 1985 the operator submitted additional information in response to the Division's September 30, 1985 deficiency letter. On November 6, 1985 the Division completed the review of the submittal and found that there were still several sections of the previous deficiency letter which had not yet been addressed.

The bottom line is that the operator still is not in compliance with their permit and the operator is submitting incomplete information in response to deficiency review letters. Normally under these circumstances the Division would issue the operator a NOV for failure to mine in accordance with an approved mine plan, however, I have been requested by yourself not to issue a NOV in this situation. I am requesting a written directive regarding this matter, explaining what actions are to be taken to get the operator into compliance.

#### 4. Undisturbed Runoff Diversion Above the Portals

During my May 8, 1985 partial inspection at the mine site, I inspected the undisturbed diversion above the operator's portals. I found that the diversion had not been constructed to meet the design specifications. The ditch which was constructed was not being maintained, it was wholly inadequate. Therefore, on May 10, 1985, I issued NOV N85-4-16-1 for the operator's failure to construct and maintain the diversion. The operator was given the option to either construct the diversion so

that it would meet the approved design specifications or submit complete and adequate plans to the Division to modify the present design to control the undisturbed runoff. The operator was given until June 4, 1985 to abate the NOV.

On May 23, 1985, the Division received the operator's conceptual plans for the relocation of their surface facilities. In the conceptual plan the operator proposed a new undisturbed diversion at the base of their substation pad highwall to divert some of the undisturbed runoff, and to pass the majority of the undisturbed runoff, from above the portals through the sediment pond. On June 21, 1985 the Division sent a deficiency letter requiring that the operator submit complete sediment control plans and designs by July 26, 1985.

On August 5, 1985, the Division received the new submittal which still showed all of the undisturbed runoff from above the portals going through the sediment pond. On September 30, 1985, the Division sent another deficiency letter requiring additional information by October 11, 1985.

On October 11, 1985 the operator submitted plans which now showed an undisturbed diversion above the portal pad in order to bypass the undisturbed runoff past the sediment pond. The Division sent another deficiency letter regarding this submittal to the operator on November 6, 1985.

As of November 22, 1985, the operator has used 83 days of the 90 day maximum time allowable for abatement of the violation. If the operator does not abate the violation by November 29, 1985, the Division is required by law to issue a failure to abate Cessation Order regarding this NOV. Will you please provide me with a written directive regarding what action I should take.

#### 5. Sedimentation Pond

I have recently been informed by technical staff members that while on a site visit they took measurements of the sediment pond embankment slopes and found them to be too steep. The embankment slopes did not meet the design specifications nor the performance standards. Other problems with the sediment pond have also been pointed out such as; no emergency spillway; a question of adequate pond sizing; and improper construction of the principal spillway riser.

At any other mine site, I would evaluate the sediment pond during the next inspection to determine its compliance status and take any enforcement action required by the statute and regulations. During a discussion with yourself, Joe Helfrich, and Lowell Braxton on November 15, 1985, you requested that I not take any enforcement action regarding the sediment pond.

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Memorandum - Ken May  
November 22, 1985

Will you please provide me with a written directive as to what course of action I should take, and what actions are being taken regarding compliance of the sediment pond.

As stated previously, the purpose of this memo is to keep you fully informed of the present compliance status at the Crandall Canyon Mine and get a written record of how these compliance issues are to be handled. I appreciate your interest and time spent regarding the compliance issues at Crandall Canyon Mine.

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0348Q-35-39